



Bexar County Sheriff's Office
Javier Salazar, Sheriff

AGREED ORDER OF SUSPENSION

EMPLOYEE: Deputy Nicholas Diaz, Badge# 3166, 3rd Main
DATE: April 11, 2018

You are hereby notified that the Bexar County Sheriff's Office is suspending you without pay for a total of five (5) days from the position of Detention Deputy for violation of Chapter IX, Section 9.02 of the Rules of the Bexar County Sheriff's Civil Service Commission. The particular Civil Service Rules violated by you are as follows:

P. Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office.

In addition to the following section(s) of the Bexar County Sheriff's Office and Detention Manuals of Policy and Procedure:

5.02 Performance of Duties

BCSO No. 900.17 Section 4, Subsection IV (c, d, e & h)

The specific reason(s) for this action: On August 2, 2017, an inmate was allegedly assaulted during 3rd Detail by two other inmates however the injuries were not discovered until 2nd Detail. The two inmates admitted to assaulting the other inmate and not allowing him out of his cell. During 2nd Detail, a Mental Health Counselor notified the unit officer of the inmates' injuries as he was conducting Face to Face Observation Checks. The 2nd Detail Deputy discovered the inmate with several severe injuries. The inmate was sent to medical for evaluation then transported to University Hospital for further treatment.

You failed to conduct a proper Face to Face observation check during the course of your duties. Proper observation checks are imperative in the performance of your duties. Your failure to perform your duties will not be tolerated by the Sheriff's Office.

The corrective action required: In the future, you will conduct yourself in a professional manner and adhere to all departmental policies, memorandums and directives as ordered by the Bexar County Sheriff's Office. You will conduct timely and physical face to face observation checks to ensure an inmate's presence and well-being, preventing a delay of medical attention or other emergencies to inmates in compliance with the Texas Commission on Jail Standards and the Bexar County Sheriff's Office Policy. Be further advised that persistence in the behavior which resulted in this Notice of Proposed Suspension may result in a more serious disciplinary action, which may include dismissal from the Sheriff's Office.

On April 5, 2018 a grievance hearing was held in my office.

Present at the hearing were the following:

- Deputy Chief Laura M. Balditt, Adult Detention Bureau
- Laura Martinez, HR Technician
- Nicholas Diaz, Grievant
- Morris Munoz, CLEAT Attorney

AGREED ORDER OF SUSPENSION (5 DAYS)
Deputy Nicholas Diaz

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You have accepted an Agreed Order of Suspension for five (5) days. Be advised that by agreeing to this action you are also agreeing to waive further grievance and appeals procedures regarding this issue.



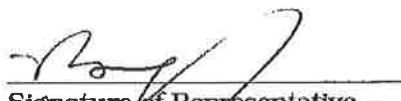
for

Deputy Chief Laura M. Balditt
Adult Detention Bureau

The foregoing document was sent via facsimile to Morris Munoz, CLEAT Attorney on April _____ 2018. Please acknowledge receipt of said document and return by fax to Sheriff's HR Office at (210)335-5083.

I have read the above. I fully understand my rights of grievance and appeal in disciplinary issues as outlined under Civil Service Rules. I wish to waive further grievance and appeal procedures regarding this issue and agree to accept the Reduced Action as outlined above.

Agreed and Accepted:


Signature of Representative
Employee

Dist. 1) Original - Personnel File 2) Shift Commander 3) HR Technician 4) Employee